

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 1, 2, 3, 6A, 8 and 9. These sheets, which include Figs. 1, 2, 3, 6A and 6B and 9, replace the original sheet including Figs. 1, 2, 3, 6A and 6B, 8 and 9, which have been corrected in accordance with the proposed amendments to the drawings filed October 10, 2001 with reference numeral 120 being added Figs. 1 and 3, and Fig. 8 has labels added.

Attachment: Replacement Sheets

Annotated Sheets Showing Changes

REMARKS

By the above amendment, the specification has been amended to correct the informalities noted by the Examiner while further being amended to utilize the reference characters as utilized in the drawings as noted by the Examiner in paragraph 4 at page 2 of the office action. Additionally, the claims have been amended to overcome the informalities noted by the Examiner as well as to clarify features thereof such that the claims are considered to be in compliance with 35 USC 112, second paragraph. Also, the abstract has been revised in accordance with the requirements thereof.

Further, submitted herewith are replacement sheets of drawings in which the drawings have been corrected in accordance with the proposed amendments to the drawings filed October 10, 2001 with reference numeral 120 being added in Figs. 1 and 3, and Fig. 8 presented with labels. Acceptance of the drawings are respectfully requested.

Pursuant to the duty of disclosure under 37 CFR 1.56, submitted herewith is a Form PTO-1449 equivalent listing the Japanese Patent Application Laid-Open No. 11-346438 which is cited in the specification of this application and listed on a separate sheet at the time of filing of the application together with a copy and abstract thereof.

With regard to the drawing objections, applicants submit that the drawing objections should be overcome by the submission of the replacement sheets of drawings corrected, as indicated above and by the amendment of the specification to utilize the reference characters as shown in the drawings.

As to the objection to the specification, applicants submit that the various points raised by the Examiner as well as other portions of the specification have

been corrected such that the objections to the specification should now be overcome.

As to the objection to the claims and the rejection of claims 1 - 7 under 35 USC 112, second paragraph, applicants submit that such objections and rejection should now be overcome in that the claims have been amended in a manner which is considered to be in compliance with 35 USC 112, second paragraph, taking into consideration the Examiner's comments.

As to the rejection of claims 1 - 7 under 35 USC 102(e) as being anticipated by Sinha et al (US 6,697,951), this rejection is traversed insofar as it is applicable to the present claims and reconsideration and withdrawal of the rejection are respectfully requested.

With regard to the requirements to support a rejection under 35 USC 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Before discussing the cited art, applicants note that the present invention is directed to a method and system of providing an electric power demand prediction service for an electric power supplier shown generally in Figure 1 by reference numeral 12 (BSn) and having a database 120 (DBn) which supplies electric power to energy consumer or consumers represented by reference numeral 16. In accordance with the present invention, and as recited in claim 1, for example, the electric power supplier which supplies the electric power to the energy consumer is connected to a demand prediction service center 10 through a communication circuit 18, as represented by the internet, for example. Electric power demand and supply record data which is measured and collected by the electric power supplier is received by the service center via a transmission channel 22, and based upon the received information the service center, as shown in Fig. 2, performs a prediction calculation so as to produce power demand prediction data which is delivered to the electric power supplier via the channel 20. Additionally, the service center 10 calculates a charge for the service of producing the power demand prediction data for the electric power supplier and delivers a result of the charge calculation to the electric power supplier. Applicants note that Figure 9 of the drawings of this application is a flow chart regarding calculation of the charge. Applicants submit that the recited features of independent claims 1 and 3 and the dependent claims are not disclosed or taught in the cited art, as will become clear from the following discussion.

Turning to Sinha et al and the position as set forth by the Examiner, applicants note that irrespective of the contentions by the Examiner, the ESP service, as described in the abstract thereof, is a subscription service for customers that purchase power from utilities and generate their own power on site from a local

power generation unit, wherein the ESP service enables those customers to decide when to purchase power from the utility or generate their own power. Accordingly, the ESP provides a service from the ESP to customers or consumers of electric power, wherein the customer or consumer, is generally indicated by the site 102 and having a local power generation unit 104, as illustrated in Fig. 1 of Sinha et al. Thus, Sinha et al is directed to providing information for the energy consumer rather than information for the electric power supplier, as provided by the present invention.

Moreover, while the Examiner refers to various portions of Sinha et al contending that Sinha et al discloses receiving an electric power demand and supply record data measured and collected by said electric power suppliers (column 4, lines 27 - 60), performing prediction calculation of demand power to be supplied from said electric power supplier on the basis of said received record data (column 4, line 60 to column 5, line 5; column 6, lines 20 - 50) and delivering said power demand prediction data to said electric power supplier (column 7, line 8 to column 8, line 13), applicants submit that the Examiner's position is a mischaracterization of Sinha et al. More particularly, column 4, lines 30 - 34 of Sinha et al indicates that the ESP service may also have data links to the power in utilities 114 so that the service 116 can obtain power rate (cost) information from the utilities, and broker the sale to the utilities of power generated by the DPGs. Applicants submit that while Sinha et al discloses obtaining power rate of cost information from the utilities, Sinha et al does not disclose the receipt of electric power demand and supply record data, which is measured and collected by the electric power supplier, nor does Sinha et al perform prediction calculation of demand power to be supplied from the electric power supplier on the basis of the received record data so as to produce power demand prediction data, which is supplied to the electric power supplier. On the other hand,

Sinha et al may be considered to obtain and possibly predict information for use by the energy consumer, which energy consumer is capable of generating its own power. Thus, applicants submit that the recited features of independent claims 1 and 3 as discussed above are not disclosed by Sinha et al in the sense of 35 USC 102 or 35 USC 103 and such claims should be considered allowable thereover.

Furthermore, the Examiner's contention that Sinha et al discloses calculating a charge for the service producing said prediction data to said electric power supplier and delivering a result of charge calculation process to said electric power supplier in the abstract and column 3, lines 24 - 38 of Sinha et al, applicants submit that such position is again a mischaracterization of the disclosure of Sinha et al. As clearly indicated in the abstract of Sinha et al, the ESP is a subscription service for customers that purchase power from the utilities. While Sinha et al in column 3, lines 24 - 38 indicates that the ESP information service tracks the cost of purchasing power from a utility, there is no disclosure or teaching in Sinha et al of calculating a charge for providing the prediction service for the electric power supplier or utility and delivering the calculated charge to the electric power supplier. It is noted that the Examiner indicates that "it is considered inherent that a charge is calculated and delivered to the supplier". Whether or not Sinha may calculate and deliver a charge to the customer that purchases power from a utility supplies electric power, such does not relate to the claimed features and, in fact, the disclosure of Sinha et al is contrary to the claimed feature of independent claims 1 and 3 and the dependent claims of this application. As to the requirement to show inherency, reference is made to the decision of In re Robertson, supra. Thus, applicants submit that Sinha et al fails to disclose or teach in the sense of 35 USC 102 and/or 35 USC 103, the

recited features of independent claims 1 and 3 and the dependent claims thereof such that all claims should be considered allowable thereover.

As to the dependent claims, while the Examiner has again utilized language as found in the claims in relation to the disclosure of Sinha et al, as is apparent, the Examiner has mischaracterized the disclosure of Sinha et al in relation to the claimed features and applicants submit that the dependent claims recite further features when considered in conjunction with the parent claims which further patentably distinguish over Sinha et al. Thus, applicants submit that the dependent claims further patentably distinguish over Sinha et al and should be considered allowable thereover.

In view of the above amendments and remarks, applicants submit that all claims present in this application patentably distinguish over Sinha et al and that the various objections to the specification, abstract and drawings have now been overcome such that applicants request favorable action in this application.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 503.39860X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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Attachments



FIG. 8

